

IN THE SUPREME COURT OF THE UNITED STATES

NUMBER: ~~82-5260~~ 82-5260

ALVIN R. MOORE, JR.
Petitioner

VERSUS

STATE OF LOUISIANA
Respondent

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SUPREME COURT, U.S.

ANSWER TO PETITION FOR WRIT OF CERTIORARI
TO REVIEW A JUDGMENT OF THE LOUISIANA SUPREME COURT

NOW INTO COURT comes and appears the State of Louisiana, through the undersigned District Attorney who respectfully responds to the petition for Writ of Certiorari as follows:

1.

Alvin R. Moore, Jr. was found guilty of First Degree Murder and the death penalty was recommended by the jury, said penalty being imposed by the judge. An appeal was taken to the Louisiana Supreme Court which affirmed the conviction and death sentence and now Alvin R. Moore, Jr. has applied to this Honorable Court requesting that it review his case.

2.

The only question presented to this Court concerns the sentencing hearing in which the jury found three aggravating circumstances existing during the commission of the crime. It is the contention of the defendant, Alvin R. Moore, Jr., that the jury's finding that the defendant's actions, did in fact create a risk of death or great bodily harm toward more than one person was not supported by the evidence presented at his trial and therefore should not have been considered in the imposition of the death penalty. In truth, the aggravating circumstance referred to was substantiated by the evidence presented to the jury.

3.

The jury found that the offense was committed during the perpetration or attempted perpetration of aggravated rape,

aggravated burglary and armed robbery and that the offense was committed in a heinous, atrocious and cruel manner, and further, that the offender knowingly created a risk of death or great bodily harm to more than one person.

4.

The evidence presented at the trial did in fact support the recommendation by the jury that the death penalty be imposed. The evidence showed that the defendant, Alvin R. Moore, Jr. entered the home of the victim, Joanne Wilson, and that she had with her, a four month old child. The evidence showed that Alvin R. Moore, Jr. raped, robbed and killed Joanne Wilson and that in the process Joanne Wilson begged, not only for her life, but for the life of her four month old daughter. The evidence clearly demonstrated that Joanne Wilson was extremely afraid for the life of her four month old daughter, as well as her own life, and agreed to do anything Alvin R. Moore, Jr. wanted if he simply would allow both the daughter and her to go unharmed.

5.

The Louisiana Supreme Court, in its decision, did state in a very short paragraph that the evidence did not support the aggravating circumstances that the crime created a risk of death or great bodily harm to more than one person. However, the Louisiana Supreme Court did not strongly consider the evidence and simply was incorrect in such an assessment. The evidence did exist and did support such an aggravating circumstance.

6.

In any event, the jury found two additional aggravating circumstances which were more than sufficient to warrant the imposition of the death penalty.

7.

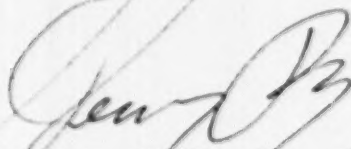
It is the contention of the State of Louisiana that in as much as all of the Constitutional issues in this matter were decided by the Louisiana Supreme Court, that there is

nothing properly before this court for review.

CONCLUSION

Only one issue has been presented to this Honorable Court in the application for a review by the Defendant. This issue has been properly dealt with by the Louisiana Supreme Court in its decision which was attached to the original writ. The writ should be denied and the matter remanded to the Louisiana Supreme Court for appropriate action.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Henry N. Brown, Jr.", is written over a large, light-colored diagonal line that spans across the signature area.

HENRY N. BROWN, JR.
DISTRICT ATTORNEY
26th Judicial District
P. O. Box 69
Benton, Louisiana 71006

C E R T I F I C A T E

I hereby certify that a copy of the foregoing Answer to Petition for Writ of Certiorari to Review a Judgment of the Louisiana Supreme Court was mailed with proper postage affixed this date to Mr. J. Stacey Freeman, Esq., 1648 Benton Rd., Bossier City, LA 71111 and Mr. Randal Fish, Esq., 1648 Benton Rd., Bossier City, LA 71111.

BENTON, LOUISIANA, this 1st day of October, 1982.



HENRY N. BROWN, JR.